United Nations A/55/PV.95

General Assembly
Fifty-fifth session

Official Records

95th plenary meeting
Wednesday, 14 March 2001, 10 a.m.
New York

President: Mr. Holkeri ..... (Finland)

The meeting was called to order at 10 a.m.

Agenda item 122 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/55/745/Add.5)

The President: Before proceeding, I should like to draw the attention of the General Assembly to document A/55/745/Add.5. In the letter contained in that document, the Secretary-General informs the President of the General Assembly that, since the issuance of his communications contained in document A/55/745 and addenda 1 to 4, Afghanistan, Antigua and Barbuda, Cape Verde, Dominica and Madagascar have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in that document?

It was so decided.

Agenda item 166

Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter from the President of the Security Council (A/55/771)

Memorandum by the Secretary-General (A/55/769)

Curricula vitae (A/55/773 and Add.1)

The President: The General Assembly will now proceed to the election of 14 permanent judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for a four-year term of office commencing on 17 November 2001.

At the election of judges in 1997, 11 judges were elected for a term of four years. The terms of office of the judges began on 17 November 1997 and will expire on 16 November 2001.

By its resolution 1166 (1998) of 13 May 1998, the Security Council decided to establish a third Trial Chamber, and decided that three additional judges were to be elected to serve in that Chamber. Pursuant to Security Council resolution 1166 (1998) of 13 May 1998, the General Assembly, on 16 October 1998, elected to the third Trial Chamber of the International Tribunal three additional judges, whose terms of office will also expire on 16 November 2001.

In connection with the election today of the 14 permanent judges, I should like to bring the following matters to the attention of the General Assembly:

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

01-28628 (E)

First, in accordance with article 13 bis, paragraph 1, of the Statute of the International Tribunal as amended by Security Council resolutions 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000, the 14 permanent judges of the International Tribunal shall be elected by the General Assembly from a list of candidates submitted by the Security Council.

At its 4274th meeting, on 8 February 2001, the Security Council, in accordance with article 13 bis, subparagraph 1 (c), of the Statute of the International Tribunal, established in resolution 1340 (2001) a list of 26 candidates, taking due account of adequate representation of the principal legal systems of the world. The list was formally conveyed to the President of the General Assembly by a letter dated 8 February 2001 from the President of the Security Council. The letter was issued as document A/55/771.

Secondly, in accordance with article 13 bis, subparagraph 1 (d), of the Statute of the International Tribunal, the Holy See and Switzerland, the two non-member States maintaining Permanent Observer Missions at United Nations Headquarters, shall participate in the election in the same manner as the States Members of the United Nations. On this occasion, I am happy to welcome here the representatives of the Holy See and Switzerland.

Finally, I should like to draw the attention of the Assembly to the documents relating to the election. The memorandum by the Secretary-General concerning the election of judges of the International Tribunal is contained in document A/55/769.

The list of 25 candidates can be found in paragraph 9 of document A/55/769. As indicated in the footnote to paragraph 9 of that document, one of the 26 candidates on the list established by the Security Council has decided to withdraw her candidacy for judge of the International Tribunal. There are therefore only 25 candidates for this election.

The curricula vitae of the 25 candidates are contained in document A/55/773 and addendum 1. In that connection, may I bring to Members' attention the provision of article 13 of the Statute of the International Tribunal, which reads as follows:

> "The permanent and ad litem judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers and sections of the Trial Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law."

As representatives are aware, the election of judges will take place in accordance with the relevant provisions of article 13 bis of the Statute of the International Tribunal. In addition, given the similar nature of the election of judges of the International Court of Justice and the election of judges of the International Tribunal, it was decided at the time of the election of judges in 1993, as well as in 1997 and 1998, to follow similar election procedures in the General Assembly. In his memorandum, the Secretary-General suggests that this precedent be applied to the election of judges of the International Tribunal.

May I take it that the Assembly agrees to that suggestion?

It was so decided.

The President: In accordance with article 13 bis, subparagraph 1 (d), of the Statute of the International Tribunal, the candidates who receive an absolute majority of the votes of States Members of the United Nations and of the two non-member States shall be declared elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors, for this purpose, are all the Member States and the two non-member States, namely, the Holy See and Switzerland. Accordingly, 96 votes constitute an absolute majority for the purpose of electing judges of the International Tribunal.

If in the first ballot the number of candidates obtaining an absolute majority is less than 14, a second ballot will be held and balloting will continue, in the same meeting, until 14 candidates have obtained an absolute majority.

Following the practice in the election of judges of the International Court of Justice, the Secretary-General suggests in his memorandum that any second and subsequent balloting shall be unrestricted — I

repeat, that any second and subsequent balloting shall be unrestricted.

It is further suggested that, following the practice in the election of the judges of the International Court of Justice, if more than 14 candidates obtain an absolute majority of votes in the first ballot, a second ballot will be held on all candidates and balloting will continue, at the same meeting, until 14 candidates, and no more, have obtained an absolute majority.

May I take it that the Assembly agrees to the procedure I have just outlined?

It was so decided.

Mr. Albin (Mexico) (*spoke in Spanish*): Once again, the delegation of Mexico will not participate in the election of judges of the International Tribunal for the Former Yugoslavia.

Mexico is committed to the promotion and protection of human rights and to full compliance with the norms of international humanitarian law. It is for this reason that Mexico, in order to fight impunity and guarantee the rule of law, has always expressed its support for investigating serious crimes against humanity and for bringing to justice and punishing those responsible.

Mexico believes that, in establishing this Tribunal, the Security Council went beyond its powers, given the fact that the Charter of the United Nations contains no explicit provision granting the Council the authority to create jurisdictional mechanisms of this nature. Mexico remains convinced that once the International Criminal Court is operational — a body whose establishment followed the norms of international law — the establishment of new special tribunals will not be necessary.

Nevertheless, Mexico will continue to pay in a timely manner its assessed contribution for the funding of the Tribunal, strictly abiding by the decisions adopted in this regard by the General Assembly.

Mr. Tarabrin (Russian Federation) (*spoke in Russian*): With regard to the General Assembly's consideration of agenda item 166, regarding the election of judges of the International Criminal Tribunal for the Former Yugoslavia, the delegation of the Russian Federation finds it necessary to make the following statement.

The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY) was established in 1993 in very specific historical conditions as a temporary measure aimed, in particular, at ensuring the restoration and support of peace in the region. Today, in spite of the very positive changes that have taken place in the Balkans and the acquisition of United Nations membership by all the independent States emerging from the territory of the former Yugoslavia, the General Assembly is being compelled for the third time to elect judges for the ICTY, effectively renewing the Tribunal's mandate for the next four years. This situation cannot be considered to be normal.

In our opinion, the very protracted functioning of that temporary body is justifiable neither politically nor financially. We must not forget that the main international legal responsibility for the punishment of those guilty of gross violations of international law lies with States. The Tribunal must concentrate on specific crimes that States, for a variety of reasons, are unable independently to pursue. We are convinced that the acceleration of the administration of justice and the speedy conclusion of the Tribunal's activities should be specified as a priority of the Prosecutor's work and that closer links must be established between the Tribunal and the national legal systems of the States of the former Yugoslavia.

We feel that the assignment to national courts of matters being considered by the ICTY and the establishment of a final cut-off of the Tribunal's temporary jurisdiction, on which the Security Council has already spoken in its resolution 1329 (2000), would improve the Tribunal's effectiveness and eliminate from future General Assembly agendas the item on the election of judges to that body.

We continue to be concerned by serious problems in the activities of the ICTY, in particular those of the Prosecutor. Politicization, anti-Serbian bias and attempts to place collective blame on the entire nation are pervasive in the ICTY. Such practices are in conflict with the mandate accorded the Tribunal by the Security Council on behalf of the international community.

There must be serious improvements in the work of the Prosecutor. It is essential that the truth be told to

the international community of the tragedy at Racak; that the practice of issuing sealed warrants be abandoned; and that the secret 1996 memorandum between the ICTY and the North Atlantic Treaty Organization (NATO) — sanctioning the hunting down of indictees that has often led to the murder and death of suspects, in violation of the borders of sovereign States — be published. We expect the Prosecutor finally to be able to look into the many cases of murder of peaceful civilians and the destruction of state property as a result of NATO's attacks on the Federal Republic of Yugoslavia.

Russia expects the new corps of ICTY judges to act to overcome the bias in the Tribunal's work and to hasten the conclusion of its work. In that understanding, the delegation of the Russian Federation will participate in today's vote.

Archbishop Martino (Holy See): The Holy See has attentively followed the proceedings of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

As already stated in the past, the Holy See regards the Tribunal as an instrument of the international community to express its condemnation of violations of international humanitarian law. The Holy See appreciates that the United Nations recognizes the Holy See's active role in the international arena. In fact, although the Holy See is a non-Member State that maintains a permanent observer mission at the United Nations, it is invited to participate, in the same manner as the States Members, in the election of permanent judges to the Tribunal, in accordance with the Statute of the International Tribunal, amended by the Security Council in paragraph 1 (d) of article 13 bis of annex 1 of resolution 1329 (2000).

On this occasion, the Holy See, in consideration of its specific nature and its objectives, and in accordance with recognized practice in similar cases, has decided to abstain from casting its vote on the individual candidates for the offices of judge of the International Criminal Tribunal for the Former Yugoslavia. In doing so, the Holy See wishes to reiterate its confidence in the choices that will be made by the international community and expresses its sincere best wishes to the judges who will soon be elected to serve the cause of justice and peace in the world.

The President: I should like to remind members that, pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting.

We shall now begin the voting process.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the 14 candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than 14 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Ayuso (Argentina), Mr. Kipkemei Kotut (Kenya), Mr. Siddiqui (Pakistan), Mr. Radomski (Poland) and Mr. Montesino (Spain) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.50 a.m. and resumed at 12.35 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	169
Number of invalid ballots:	1
Number of valid ballots:	168
Abstentions:	None
Number of members voting:	168
Required absolute majority:	96
Number of votes obtained:	
Mr. Fausto Pocar (Italy)	130
Mr. David Hunt (Australia)	122
Mr. Patrick Lipton Robinson (Jamaica)	120
Mr. Theodor Meron (United States of America)	119
Mr. Carmel A. Agius (Malta)	118
Mr. Wolfgang Schomburg (Germany)	118
Mr. Liu Daqun (China)	116
Mr. Richard George May (United Kingdom of Great Britain and Northern Ireland)	115
Mr. Alphonsus Martinus Maria Orie (Netherlands)	114
Mr. Claude Jorda (France)	113

Mr. O-gon Kwon (Republic of Korea)	109
Mr. Mohamed Shahabuddeen (Guyana)	105
Mr. Mohamed Amin El Abassi Elmahdi (Egypt)	94
Mr. Volodymyr Vassylenko (Ukraine)	94
Mr. Rafael Nieto Navia (Colombia)	88
Mr. Mohamed El Habib Fassi Fihri (Morocco)	86
Mr. Almiro Simões Rodrigues (Portugal)	84
Mr. Karam Chand Vohrah (Malaysia)	84
Mrs. Florence Ndepele Mwachande Mumba (Zambia)	72
Mr. Krister Thelin (Sweden)	65
Mr. Abderraouf Mahbouli (Tunisia)	62
Mr. Demetrakis Stylianides (Cyprus)	49
Mr. Richard Allen Banda (Malawi)	48
Mr. Jonah Rahetlah (Madagascar)	32
Mr. Leopold Ntahompagaze (Burundi)	12

The President: Having obtained an absolute majority, the following 12 candidates are elected members of the International Tribunal for a four-year term beginning on 17 November 2001: Mr. Carmel Agius (Malta), Mr. David Hunt (Australia), Mr. Claude Jorda (France), Mr. O-gon Kwon (Republic of Korea), Mr. Liu Daqun (China), Mr. Richard George May (United Kingdom of Great Britain and Northern Ireland), Mr. Theodor Meron (United States of America), Mr. Alphonsus Martinus Maria Orie (Netherlands), Mr. Fausto Pocar (Italy), Mr. Patrick Lipton Robinson (Jamaica), Mr. Wolfgang Schomburg (Germany) and Mr. Mohamed Shahabuddeen (Guyana).

There remain two seats to be filled. The Assembly will now proceed to another ballot to fill the remaining two vacancies. In accordance with the decision taken earlier, that ballot shall be unrestricted.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the two candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than two names are marked will be considered invalid. I repeat, ballot papers on which more than two names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Ayuso (Argentina), Mr. Kipkemei Kotut (Kenya), Mr. Siddiqui (Pakistan), Mr. Radomski (Poland) and Mr. Montesino (Spain) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.50 p.m. and resumed at 1.30 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	169
Number of invalid ballots:	0
Number of valid ballots:	169
Abstentions:	1
Number of members voting:	168
Required absolute majority:	96
Number of votes obtained:	
Mr. Mohamed Amin El-Abassi Elmahdi (Egypt)	84
Mr. Volodymyr Vassylenko (Ukraine)	68
Mr. Almiro Simões Rodrigues (Portugal)	37
Mr. Rafael Nieto Navia (Colombia)	34
Mr. Mohamed El-Habib Fassi Fihri (Morocco)	30
Mrs. Florence Ndepele Mwachande Mumba (Zambia)	24
Mr. Karam Chand Vohrah (Malaysia)	21
Mr. Krister Thelin (Sweden)	14
Mr. Richard Allen Banda (Malawi)	7
Mr. Demetrakis Stylianides (Cyprus)	4
Mr. Abderraouf Mahbouli (Tunisia)	3
Mr. Leopold Ntahompagaze (Burundi)	3
Mr. Jonah Rahetlah (Madagascar)	1

The President: Since no candidate has obtained an absolute majority, the Assembly will have to proceed to a third ballot to fill the remaining two vacancies. In accordance with the decision taken earlier, that ballot will be unrestricted. In view of the lateness of the hour, I propose that we continue with the balloting later this afternoon.

The meeting was suspended at 1.40 p.m. and resumed at 3.10 p.m.

The President: As announced this morning, the General Assembly will now proceed to a third unrestricted ballot to fill the remaining two vacancies on the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed on the Territory of the Former Yugoslavia since 1991.

Mr. Bakoniarivo (Madagascar) (*spoke in French*): On behalf of Mr. Jonah Rahetlah, I have the honour to inform the Assembly that his candidacy is withdrawn. I take this opportunity to thank all the delegations that lent their support to Mr. Rahtelah's candidacy during the first round of balloting.

Mr. Ndizeye (Burundi) (*spoke in French*): I wish to inform the Assembly that, upon instructions from my Government, my delegation wishes to withdraw the candidacy of Mr. Leopold Ntahompagaze for the post of judge on the International Criminal Tribunal for the Former Yugoslavia. I take this opportunity to thank all delegations that supported my country's candidacy, and to reaffirm that we will continue to lend full support to the Tribunal.

Mr. Hadjiargyrou (Cyprus): I should like to announce the decision of the candidate Mr. Demetrakis Stylianides of Cyprus to withdraw his candidature for election to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. I take this opportunity to extend my congratulations to the candidates who have already been elected, and to express the deep appreciation of my delegation to those delegations that supported our candidature.

Ms. Achouri (Tunisia) (*spoke in French*): I wish to inform the Assembly that the Tunisian Government has decided to withdraw the candidacy of Mr. Abderraouf Mahbouli. I take this opportunity to thank all the delegations that voted in favour of the Tunisian candidate. Our best wishes, and those of the Tunisian Government, go to all candidates competing for the two remaining seats.

The President: Members have heard the statements just made by the representatives of Burundi, Cyprus, Madagascar and Tunisia. I take it that those representatives are informing the General Assembly that Mr. Leopold Ntahompagaze of Burundi, Mr. Demetrakis Stylianides of Cyprus, Mr. Jonah Rahetlah of Madagascar and Mr. Abderraouf Mahbouli of Tunisia, on the list of candidates established by the Security Council, have decided to withdraw their names from the list. Accordingly, those names should be struck from the ballot papers.

In view of the fact that new ballot papers will need to be prepared to take into account the withdrawals that have just been announced, I propose to suspend the meeting for 10 minutes. May I take it that the Assembly agrees to that proposal?

It was so decided.

The meeting was suspended at 3.20 p.m. and resumed at 3.35 p.m.

The President: The General Assembly will now proceed to a third unrestricted ballot to fill the remaining two vacancies.

Ballot papers are now being distributed. I request all delegations to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible for election.

Representatives should indicate the two candidates for whom they wish to vote by placing a cross at the left of their names. Any ballot paper on which more than two names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Ayuso (Argentina), Mr. Kipkemei Kotut (Kenya), Mr. Siddiqui (Pakistan), Mr. Radomski (Poland) and Mr. Montesino (Spain) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	165
Number of invalid ballots:	0
Number of valid ballots:	165
Abstentions:	2
Number of members voting:	163
Required absolute majority:	96
Number of votes obtained:	
Mr. Mohamed Amin El-Abassi Elmahdi (Egypt)	88
Mr. Volodymyr Vassylenko (Ukraine)	64
Mr. Almiro Simões Rodrigues (Portugal)	51
Mrs. Florence Ndepele Mwachande Mumba (Zambia)	33
Mr. Rafael Nieto Navia (Colombia)	28
Mr. Mohamed El-Habib Fassi Fihri (Morocco)	22
Mr. Krister Thelin (Sweden)	14

Mr. Karam Chand Vohrah (Malaysia)	12
Mr. Richard Allen Banda (Malawi)	5

The President: Since again no candidate has obtained an absolute majority, the Assembly will have to proceed to a fourth ballot to fill the remaining two vacancies. In accordance with the decision taken earlier, that ballot shall be unrestricted.

Mr. Norström (Sweden): I would like to inform the Assembly that my delegation wishes to withdraw the candidature of Mr. Krister Thelin. We take this opportunity to thank delegations for their support, and to congratulate those who have been elected so far.

Mr. Valdivieso (Colombia) (*spoke in Spanish*): I wish, on behalf of Mr. Rafael Nieto Navia, to convey his desire to withdraw his candidacy and at the same time very sincerely to thank those delegations that supported him in the balloting thus far. Further, we join in congratulating successful candidates. We wish the United Nations and, more particularly, the Tribunal every possible success; we shall, of course, continue to cooperate with the Tribunal in its work.

Mr. Syed Hasrin (Malaysia): I wish to inform members that the Government of Malaysia would like to withdraw the candidature of Mr. Karam Chand Vohrah.

The President: Members have heard the statements just made by the representatives of Colombia, Malaysia and Sweden. I take it that those representatives are informing the General Assembly that Mr. Rafael Nieto Navia of Colombia, Mr. Karam Chand Vohrah of Malaysia and Mr. Krister Thelin of Sweden, on the list of candidates established by the Security Council, have decided to withdraw their names from the list. Accordingly, those names should be struck from the ballot papers.

In view of the fact that new ballot papers will need to be prepared to take into account the withdrawals that have just been announced, I propose to suspend the meeting for 10 minutes. May I take it that the Assembly agrees to that proposal?

It was so decided.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

The President: The General Assembly will now proceed to a fourth unrestricted ballot to fill the remaining two vacancies.

Ballot papers are now being distributed. I request representatives to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible for election.

Representatives should indicate the two candidates for whom they wish to vote by placing a cross at the left of their names. Any ballot paper on which more than two names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Ayuso (Argentina), Mr. Kipkemei Kotut (Kenya), Mr. Siddiqui (Pakistan), Mr. Radomski (Poland) and Mr. Montesino (Spain) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.50 p.m. and resumed at 5.25 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	163
Number of invalid ballots:	0
Number of valid ballots:	163
Abstentions:	2
Number of members voting:	161
Required absolute majority:	96
Number of votes obtained:	
Mr. Mohamed Amin El-Abassi Elmahdi (Egypt)	105
Mr. Volodymyr Vassylenko (Ukraine)	68
Mr. Almiro Simões Rodrigues (Portugal)	58
Mrs. Florence Ndepele Mwachande Mumba (Zambia)	50
Mr. Mohamed El-Habib Fassi Fihri (Morocco)	31
Mr. Richard Allen Banda (Malawi)	4

The President: Having obtained an absolute majority, Mr. Mohamed Amin El-Abassi Elmahdi (Egypt) is elected a member of the International Tribunal for a four-year term beginning on 17 November 2001.

There remains one seat to be filled. The Assembly will now proceed to a fifth round of balloting to fill the remaining vacancy. In accordance with the decision taken earlier, that ballot shall be unrestricted.

Mr. Juwayeyi (Malawi): The law of diminishing returns does indeed work in the United Nations voting system. Having said that, I wish to express the profound appreciation of Mr. Richard Allen Banda to the 48 Member States that voted for us in the first ballot — but in particular to the resilient four that have continued to support us throughout the four ballots today. I wish to withdraw Mr. Banda's candidacy.

The President: Members have heard the statement just made by the representative of Malawi. I take it that that representative is informing the General Assembly that Mr. Richard Allen Banda, on the list of candidates established by the Security Council, has decided to withdraw his name from the list. Accordingly, that name should be struck from the ballot paper.

In view of the fact that new ballot papers will need to be prepared to take into account the withdrawal that has just been announced, I propose to suspend the meeting for 10 minutes. May I take it that the Assembly agrees to that proposal?

It was so decided.

The meeting was suspended at 5.35 p.m. and resumed at 5.45 p.m.

The President: The General Assembly will now proceed to a fifth unrestricted ballot to fill the remaining vacancy.

Ballot papers are now being distributed. I request all delegations to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible for election.

Representatives should indicate the one candidate for whom they wish to vote by placing a cross at the left of his or her name. Any ballot paper on which more than one name is marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Ayuso (Argentina), Mr. Kipkemei Kotut (Kenya), Mr. Siddiqui (Pakistan), Mr. Radomski (Poland) and Mr. Montesino (Spain) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.55 p.m. and resumed at 6.20 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	161
Number of invalid ballots:	8
Number of valid ballots:	153
Abstentions:	2
Number of members voting:	151
Required absolute majority:	96
Number of votes obtained:	
Mrs. Florence Ndepele Mwachande Mumba (Zambia)	56
Mr. Volodymyr Vassylenko (Ukraine)	50
Mr. Almiro Simões Rodrigues (Portugal)	29
Mr. Mohamed El-Habib Fassi Fihri (Morocco)	16

The President: Since no candidate has obtained an absolute majority, the Assembly will have to proceed to a sixth ballot to fill the remaining vacancy. In accordance with the decision taken earlier, that ballot shall be unrestricted.

Ballot papers are now being distributed. I request all delegations to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible for election.

Representatives should indicate the one candidate for whom they wish to vote by placing a cross at the left of his or her name. Any ballot paper on which more than one name is marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Ayuso (Argentina), Mr. Kipkemei Kotut (Kenya), Mr. Siddiqui (Pakistan), Mr. Radomski (Poland) and Mr. Montesino (Spain) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 6.35 p.m. and resumed at 6.55 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	156
Number of invalid ballots:	3
Number of valid ballots:	153
Abstentions:	2
Number of members voting:	151
Required absolute majority:	96
Number of votes obtained:	

Mrs. Florence Ndepele Mwachande Mumba (Zambia)	75
Mr. Volodymyr Vassylenko (Ukraine)	50
Mr. Mohamed El-Habib Fassi Fihri (Morocco)	13
Mr. Almiro Simões Rodrigues (Portugal)	13

The President: Since again no candidate has obtained an absolute majority, the Assembly will have to proceed to a seventh ballot to fill the remaining vacancy. In accordance with the decision taken earlier, that ballot shall be unrestricted.

Mr. Brito (Portugal): At this stage, my delegation would like to withdraw the candidature of Mr. Almiro Simões Rodrigues for a seat on the International Criminal Tribunal for the Former Yugoslavia. We are very grateful to delegations for the support given to his candidature, and we congratulate those candidates who have been elected today.

The President: Members have heard the statement just made by the representative of Portugal. I take it that that representative is informing the General Assembly that Mr. Almiro Simões Rodrigues, on the list of candidates established by the Security Council, has decided to withdraw his name from the list. Accordingly, that name should be struck from the ballot paper.

In view of the fact that new ballot papers will need to be prepared to take into account the withdrawal that has just been announced, I propose to suspend the meeting for 10 minutes. May I take it that the Assembly agrees to that proposal?

It was so decided.

The meeting was suspended at 7 p.m. and resumed at 7.15 p.m.

The President: The General Assembly will now proceed to a seventh unrestricted ballot to fill the remaining vacancy.

Ballot papers are now being distributed. I request all delegations to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible for election.

Representatives should indicate the one candidate for whom they wish to vote by placing a cross at the left of his or her name. Any ballot paper on which more than one name is marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Ayuso (Argentina), Mr. Kipkemei Kotut (Kenya), Mr. Siddiqui (Pakistan), Mr. Radomski (Poland) and Mr. Montesino (Spain) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 7.25 p.m. and resumed at 7.50 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	153
Number of invalid ballots:	1
Number of valid ballots:	152
Abstentions:	2
Number of members voting:	150
Required absolute majority:	96
Number of votes obtained:	
Mrs. Florence Ndepele Mwachande Mumba (Zambia)	103
Mr. Volodymyr Vassylenko (Ukraine)	34
Mr. Mohamed El-Habib Fassi Fihri (Morocco)	13

The President: Having obtained an absolute majority, Mrs. Florence Ndepele Mwachande Mumba (Zambia) is elected a member of the International Tribunal for a four-year term beginning on 17 November 2001.

Having obtained an absolute majority, the following 14 candidates are elected members of the International Criminal Tribunal for a four-year term beginning on 17 November 2001: Mr. Carmel Agius (Malta), Mr. Mohamed Amin El-Abassi Elmahdi (Egypt), Mr. David Hunt (Australia), Mr. Claude Jorda (France), Mr. O-gon Kwon (Republic of Korea), Mr. Liu Daqun (China), Mr. Richard George May (United Kingdom of Great Britain and Northern Ireland), Mr. Theodor Meron (United States of America), Mrs. Florence Ndepele Mwachande Mumba (Zambia), Mr. Alphonsus Martinus Maria Orie (Netherlands), Mr. Fausto Pocar (Italy), Mr. Patrick Lipton Robinson (Jamaica), Mr. Wolfgang Schomburg (Germany) and Mr. Mohamed Shahabuddeen (Guyana).

I take this opportunity to extend to the judges the congratulations of the General Assembly on their election and to thank the tellers for their assistance.

We have thus concluded this stage of our consideration of agenda item 166.

Programme of work

The President: I should like to inform members that on Friday, 16 March 2001, in the afternoon, the General Assembly will consider, under agenda item 14, "Report of the International Atomic Energy Agency", draft resolution A/55/L.75, and will also consider a note by the Secretary-General, contained in document A/55/239, requesting the inclusion in the agenda of the current session of an additional item, entitled "Election of judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

The meeting rose at 8 p.m.